

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION***

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PRIMARY COMPOSITION CONTAINING A
LIPOPHILIC BIOACTIVE COMPOUND**

and for which a patent application and for which a patent application

- which is identified by docket No. 88265-6773
- which was filed on January 25, 2002, as Application No. 10/057,660

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | |
|--|---------|--------------------------------------|---|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
| 00111542.7 | Europe | May 30, 2000 | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

| PROVISIONAL APPLICATION NUMBER | FILING DATE |
|--------------------------------|-------------|
| | |
| | |

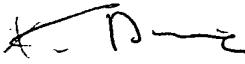
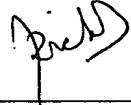
* for use only when the application is assigned to a company, partnership or other organization.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL APPLICATION SERIAL NO. | FILING DATE | STATUS | | |
|---|--------------|----------|---------|-----------|
| | | PATENTED | PENDING | ABANDONED |
| PCT/EP01/06145 | May 29, 2001 | | X | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | | | | |
|-------------|----------------------------|--|--|--|----------------------------|
| 2 0 1 | FULL NAME OF INVENTOR | LAST NAME BORTLIK | FIRST NAME Karlheinz | MIDDLE NAME | |
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| | | SIGNATURE OF INVENTOR 204  | | | DATE 7.03.02 |
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| | | SIGNATURE OF INVENTOR 205  | | | DATE 7.03.02 |

| | | | | | |
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| 2 0 6 | FULL NAME OF INVENTOR | LAST NAME BAUR | FIRST NAME Markus | MIDDLE NAME | |
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| | | SIGNATURE OF INVENTOR 206  | | | DATE 23.03.02 |
| 2 0 7 | FULL NAME OF INVENTOR | LAST NAME PFEIFER | FIRST NAME Andrea | MIDDLE NAME M. A. | |
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| | | SIGNATURE OF INVENTOR 207  | | | DATE 11.03.02 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Karlheinz BORTLIK et al.

Application No.: 10/057,660

Filed: January 25, 2002

For: PRIMARY COMPOSITION
CONTAINING A LIPOPHILIC
BIOACTIVE COMPOUND

Group Art Unit:

Examiner:

Attorney Docket No.: 88265-6773

POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone (212) 294-3311, facsimile (212) 294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

NESTEC S.A.

Signature: Claude-Alain WAVRETyped Name: Claude-Alain WAVREPosition/Title: Authorised SignatoryAddress: Avenue Nestle 55CH-1800 Vevey, SwitzerlandDate: March 6, 2002